

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

**In the Matter of** )  
 )  
**Section 68.4(a) of the Commission's Rules** )  
**Hearing Aid-Compatible Telephones** )

**RM 8658**

**COMMENTS**

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Pursuant to the Commission's Rules, 47 C.F.R. § 1.405(a), the Mobile and Personal Communications 1800 Section of the Telecommunications Industry Association ("TIA") respectfully submits these comments on the Petition for Rulemaking submitted by HEAR-IT NOW ("Petition"). The Petition seeks repeal of the exemption from the requirement that telephones be hearing aid compatible ("HAC") for broadband PCS telephones capable of sending or receiving voice communications. TIA supports the objective of compatibility between voice PCS telephones and hearing aids and is willing to do its part toward determining the practicality of achieving that objective.

As the Petition points out (p.2), the hearing aid compatibility statute provides that the Commission's initial implementing regulations shall exempt telephones used with public mobile and private radio services (47 U.S.C. § 610(b)(2)(A)). Thus, that exemption is contained in the Commission's Rules (§ 68.4(a)(1)). Broadband PCS is a subset of those services. The statute (47 U.S.C. § 610(b)(2)(C)) and the corresponding Commission rule (§ 68.4(a)(4)) provide that the Commission shall revoke or limit the

exemption if called for by consideration of four specified factors; (i) the public interest generally, (ii) effect on hearing-impaired individuals, (iii) technological feasibility and (iv) impact on the cost of the telephones. The Petition urges that these factors call for revocation of the exemption for voice PCS handsets (pp. 5-8).

TIA agrees with the Petition on the desirability of making the benefits of voice PCS services available to individuals using hearing aids. However, Commission repeal of the exemption for voice PCS telephones is premature. The information needed to evaluate technological and economic feasibility, as the statute requires, does not yet exist. Moreover, because the HAC standard for such telephones does not exist,<sup>1</sup> it makes no sense to mandate compatibility now. Finally, work on that standard should provide relevant information on the practicality of the proposed repeal of the exemption.

The cellular industry including many of TIA's members, is taking steps to identify and address problems of RF compatibility through the creation and support of the University of Oklahoma's Center for the Study of Wireless Electromagnetic Compatibility ("Center").<sup>2</sup> The two areas on which the Center is commencing its work are: compatibility involving pacemakers and hearing aids. Indeed, the cellular industry has been working closely with the hearing aid manufacturers to develop a protocol for scientific testing.

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<sup>1</sup>The EIA (predecessor to TIA) standard for wired telephone HAC is contained in §68.316.

<sup>2</sup>The center was founded in 1994 to address the study of Electromagnetic Compatibility and is supported by the manufacturing and service provider community.

is for this reason that the University of Oklahoma is conducting interference testing for a full range of technologies including the GSM technology as singled out in the Petition. As noted, this testing is being conducted in cooperation with industry at large which includes hearing-aid and medical equipment manufacturers. Creating the necessary technical requirements may well be a daunting task. PCS licensees are free to use different infrastructure technologies. Electronic devices other than PCS handsets do cause interference to hearing aids and there are no standards barring such interference. There are a large number of different kinds of hearing aids, using various technologies. No United States standards govern the immunity of hearing aids to interference; more robust hearing aids and user training may need to be examined as a way to meet the needs of users.

The Center's studies will lead to long term solutions. In the interim, however, the hearing impaired can have access to wireless services, including digital technology. For example, several manufacturers and after-market accessory makers have developed "hands free" headsets that permit a user to move the cellular phone away from the head -- thereby removing the source of interference from the hearing aid and enabling the user to have access to the technology.

When Congress created the exemption, it did so to give new wireless technologies an opportunity to survive in the marketplace (47 USC § 610 (b)(2)A (I)). Given that the issues of compatibility are being addressed in the marketplace, and that the industry is responding to the challenges of the new technology in a responsible and expeditious manner, it is premature and counterproductive for the FCC to go forward with regulation

manner, it is premature and counterproductive for the FCC to go forward with regulation on these activities. If the exemption were to be repealed, timing, new standards and other relevant issues will then have to be faced, thereby slowing the ability of PCS to compete causing the opposite of Congress' intent when the exemption was created. For the foregoing reasons, TIA believes a Rulemaking at this time would be premature.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

Mobile and Personal Communications 1800 Section

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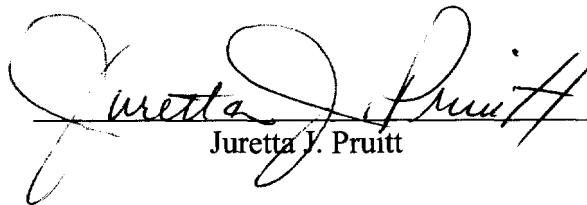
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**CERTIFICATE OF SERVICE**

I, Juretta J. Pruitt, do hereby certify that the Telecommunications Industry Association's Comments in RM-8658 have been served on this the 17th day of July, 1995, by first-class prepaid postage, to the persons set forth below:

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Juretta J. Pruitt

Dated: July 17, 1995